



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

July 14, 2021

Anjmun Sharma, M.D.
Physician's and Surgeon's Certificate No. C173714
Case No. 800-2021-079617

Public Letter of Reprimand

Pursuant to the provisions of California Business and Professions Code section 2221.05, the Medical Board of California (Board) hereby issues you this Public Letter of Reprimand (PLR).

The Board received information from the Colorado Board of Medicine (CO Board) that on August 23, 2018, you and the CO Board entered a Stipulation and Final Order for phone and text conversations of a sexual nature with a patient; violating the Division of Workers' Compensation Independent Medical Examination (DIME) rule which states, "during the IME process, there shall be no communication allowed between the parties and the IME physician unless approved by the Director, or an administrative law judge;" and violating the DIME rule which states that a physician shall "[n]ot evaluate an IME claimant if the appearance of or an actual conflict of interest exists," which constitute unprofessional conduct. Currently, you hold an active medical license in the State of Colorado, which will expire on April 30, 2023, if not renewed. A copy of the Stipulation and Final Order from the CO Board is attached hereto as Exhibit A.

These actions constitute grounds for issuance of this PLR under Business and Professions Code sections 480(a)(2), 2234, and 2305.

Sincerely,

Marina O'Connor
Chief of Licensing

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NO. 2015-1602-B

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF
ANJMU SHARMA, M.D., LICENSE NUMBER DR-46192,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B
("Panel") of the Colorado Medical Board ("Board") and Anjmu Sharma, M.D.
("Respondent") (collectively, the "Parties") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on November 14, 2007 and was issued license number DR-46192, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On April 21, 2016, the Panel reviewed case number 2015-1602-B and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S. The Panel thereupon referred the matter to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S..
4. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case number 2015-1602-B, without the necessity of conducting a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

5. Respondent understands that:

a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent is represented by counsel;

b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-36-118(4)(c)(IV) and 12-36-118(5), C.R.S., and a formal complaint was filed on July 28, 2017;

c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a disciplinary hearing, admits the facts contained in this Order, and relieves the Panel of its burden of proving such facts;

d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence and to cross-examine witnesses who would testify on behalf of the Panel; and

e. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

FACTUAL BASIS

6. Respondent specifically admits and the Panel finds that:

a. On or about February 3, 2015, Respondent examined Patient A for a Division of Workers' Compensation Independent Medical Examination ("DIME").

b. Respondent contacted Patient A by text and phone and by these means engaged in communications of a sexual nature with patient A between February 3, 2015 and February 6, 2015.

c. On or about February 7, 2015, Respondent filed his DIME report regarding Patient A's examination.

d. Respondent had an obligation to be objective and impartial.

e. The DIME rules provide that a physician shall "[n]ot evaluate an IME claimant if the appearance of or an actual conflict of interest exists." 7 CCR 1101-3, Rule 11-2(H).

f. The DIME rules state: "During the IME process, there shall be no communication allowed between the parties and the IME physician unless

approved by the Director, or an administrative law judge." 7 CCR 1101-3, Rule 11-6(A).

g. Contacting Patient A and engaging in communications of a sexual nature with Patient A between February 3, 2015 and February 6, 2015, breached appropriate professional boundaries under the circumstances and thus fell below the generally accepted standards of medical practice.

h. Respondent failed to meet the generally accepted standards of medical practice, and thus engaged in unprofessional conduct pursuant to § 12-36-117(1)(p), C.R.S., by contacting Patient A after an IME and prior to submission of the DIME Report and having conversations and sending text messages of a sexual nature.

7. Respondent admits and the Panel finds that the acts and/or omissions set forth above constitutes unprofessional conduct as defined in Sections 12-36-117(1)(p), C.R.S., which states:

(1) "Unprofessional conduct" as used in this article means:

(p) Any act or omission which fails to meet generally accepted standards of medical practice.

8. Based upon the above, the parties stipulate that the terms of this Order are authorized by Section 12-36-118(5)(g)(III), C.R.S.

LETTER OF ADMONITION

9. This provision shall constitute a Letter of Admonition as set forth in Sections 12-36-118(4)(c)(III)(A) and 12-36-118(5)(g)(III), C.R.S. Respondent is hereby admonished for the acts and omissions described in the factual basis above.

10. By entering this Order, Respondent agrees to waive the rights provided by Section 12-36-118(4)(c)(III)(B), C.R.S., to contest this Letter of Admonition.

PROBATIONARY TERMS

11. Respondent's license to practice medicine is hereby placed on probation indefinitely, commencing on the effective date of this Order. All terms of probation shall be effective throughout the probationary period and shall constitute terms of this Order.

12. During the probationary period, Respondent agrees to be bound by the terms and conditions set forth below.

TREATMENT MONITORING

13. During the probationary period, Respondent shall receive such treatment as is determined to be appropriate by the Colorado Physician Health Program ("CPHP"). All instructions and recommendations to Respondent by CPHP shall constitute terms of this Order, and Respondent must comply with any such instructions and recommendations. Failure to comply with such instructions and recommendations shall constitute a violation of this Order. CPHP shall also function as the "treatment monitor" as that term is used in this Order.

14. Within 30 days of the effective date of this Order, Respondent shall sign any and all releases necessary to allow CPHP to communicate with the Panel. Within 60 days of the effective date of this Order, Respondent shall provide the Panel with a copy of such releases. This information may include alcohol and drug abuse treatment program records that may be confidential under federal or state law. Respondent shall update any and all releases as often as may reasonably be required to allow the Panel access to Respondent's privileged or confidential information. Respondent shall not revoke such releases prior to successful completion of the probationary period as set forth in this Order. Any failure to execute such a release, failure to provide copies to the Panel, or any premature revocation of such a release shall constitute a violation of this Order. In the event Respondent revokes such release, CPHP may, because of confidentiality concerns, refuse to acknowledge Respondent's participation in CPHP. CPHP's refusal to acknowledge Respondent's participation with that organization shall constitute a violation of this Order.

15. Respondent shall also complete any and all unrestricted releases as are necessary to permit CPHP to disclose to the Panel information generated by other sources. Respondent authorizes the Panel to re-disclose and make public, consistent with Board Policy 30-9, information obtained from CPHP necessary for the limited purposes of enforcing this Order, seeking sanctions for noncompliance with this Order, or other purposes authorized in the Medical Practice Act. Medical records shall not become public records by virtue of such use. Any failure to execute such a release, failure to provide copies to the Panel, or any premature revocation of such a release shall constitute a violation of this Order.

16. CPHP's treatment monitoring activities shall constitute ongoing examinations of Respondent for the purpose of Section 12-36-118(9)(a), C.R.S. Respondent's failure to comply with CPHP's instructions and recommendations

shall have the full force and effect of a violation of an order pursuant to Section 12-36-118(9)(a), C.R.S. and subject Respondent to action pursuant to Sections 12-36-118(5)(g)(IV) and 12-36-118(9)(a), C.R.S.

17. Respondent shall ensure that CPHP submits quarterly written reports to the Panel. The reports shall briefly describe CPHP's ongoing examinations and treatment monitoring of Respondent. The reports shall also state whether Respondent is in compliance with this Order. If at any time CPHP has reasonable cause to believe that Respondent has violated the terms of this Order, is unable to practice with reasonable skill and with safety to patients or has committed unprofessional conduct as defined in Section 12-36-117(1), C.R.S., CPHP shall immediately inform the Panel.

18. CPHP's treatment monitoring instructions and recommendations shall constitute terms of this Order for so long as this Order remains in effect. Nothing in this agreement shall limit the ability of CPHP to impose any other instruction or recommendation as part of its treatment monitoring of Respondent.

19. If at any time, CPHP believes that any of the above terms are no longer necessary, CPHP may relax the terms as it deems appropriate and, at CPHP's direction, the Respondent may comply with this Order as determined by CPHP. CPHP shall inform the Panel of any such action relaxing the above terms in its quarterly report. All such reports shall be reviewed by the Board's staff and, at the staff's discretion, may be reviewed by the Panel. Following receipt and review of such a quarterly report, the Panel reserves the right to reject and nullify CPHP's decision regarding the relaxing of such terms. If the Panel nullifies CPHP's decision regarding the relaxing of any of the above terms, the Respondent specifically agrees to comply with the Order as set forth above in accordance with the Panel's directions.

20. It is the responsibility of the Respondent to provide information to CPHP in a timely and complete manner and to assure that all CPHP written reports are timely transmitted to the Panel.

OUT OF STATE PRACTICE

21. Respondent may wish to leave Colorado and practice in another state. At any time other than during a period of suspension imposed by this Order, and whether to practice out of state or for any other reason, Respondent may request, in writing, that the Board place Respondent's license on inactive status as set forth in Section 12-36-137, C.R.S. Respondent's request to place his license on inactive status must include written evidence that Respondent has reported this Order to all other jurisdictions in which Respondent is licensed, as required by the "Other

Terms" Section of this Order. Upon the approval of such request, Respondent may cease to comply with the terms of this Order. Failure to comply with the terms of this Order while inactive shall not constitute a violation of this Order. While inactive, Respondent shall not perform any act in the state of Colorado that constitutes the practice medicine, nor shall Respondent perform any act in any other jurisdiction pursuant to the authority of a license to practice medicine granted by the state of Colorado. Unless Respondent's license is inactive, Respondent must comply with all terms of this Order, irrespective of Respondent's location. The probationary period will be tolled for any period of time Respondent's license is inactive.

TERMINATION OF INDEFINITE PROBATION

22. After successful completion of treatment monitoring and report from CPHP that Respondent is safe to practice without monitoring, Respondent may submit a written request for restoration of Respondent's license to unrestricted status. With any request, Respondent must provide the Panel with a report from CPHP finding Respondent safe to practice with skill and safety to patients. If Respondent has complied with the requirements set forth in this paragraph, such release shall be granted by the Panel in the form of a written notice.

OTHER TERMS

23. The terms of this Order were mutually negotiated and determined.

24. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

25. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

26. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.

27. Respondent shall submit an update to his profile with the Healthcare Professions Profiling Program regarding this Order within thirty (30) days of the effective date of this Order.

28. During the probationary period or any period in which a physician is subject to prescribing restrictions, no physician shall perform an assessment of a patient's medical history and current medical condition, including a personal

physical examination, for the purpose of concluding that a patient may benefit from the use of medical marijuana, recommending the use of medical marijuana or certifying a debilitating medical condition for an applicant to the Colorado Medical Marijuana Program. Respondent hereby understands and agrees that he shall not certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.

29. Respondent shall obey all state and federal laws while the terms of this Order are in effect.

30. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Respondent presently holds privileges at or is employed by the following hospitals and facilities:

Centura Health

Monument Occupational Medicine

31. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to Section 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in Section 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

32. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.

33. Invalidity of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

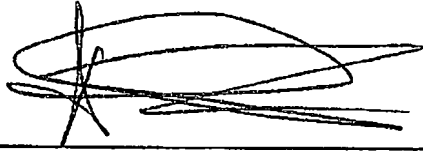
34. During the pendency of any action arising out of this Order, the terms of this Order shall be deemed to be in full force and effect and shall not be tolled.

35. Respondent acknowledges that the Panel may choose not to accept the terms of this Agreement and that if the Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

36. This Order shall be effective upon service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

37. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. This Order constitutes discipline against Respondent's license. Additionally, this Order shall be reported to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

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Anjmun Sharma, M.D.

THE FOREGOING Stipulation and Final Agency Order is approved this 12 day of July, 2018.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL B

Paula E. Martinez
Program Director
Delegated Authority to Sign by Inquiry Panel

THE FOREGOING Stipulation and Final Agency Order is effective upon
service to Respondent, on _____, 2018.

APPROVED AS TO FORM:

FOR THE RESPONDENT
ANJMU SHARMA, M.D.

KRESL & SINGER

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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **STIPULATION AND FINAL AGENCY ORDER** upon all parties herein as designated below, at Denver, Colorado, this ____ day of _____, 2018, addressed as follows:

<input type="checkbox"/> By United States mail, postage prepaid <input type="checkbox"/> By Electronic Mail Anjmun Sharma, M.D. 9820 Palisade Ridge Drive Colorado Springs, CO 80920 anjum@gmail.com	
<input type="checkbox"/> By United States mail, postage prepaid <input type="checkbox"/> By Electronic Mail <input type="checkbox"/> By Facsimile Thomas J. Kresl 130 Rampart Way, Suite 200 Denver, CO 80230	CPHP

Copy sent via ____ interagency mail, x electronic mail or ____ facsimile
to:

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